

1765

Anno Regni Regis GEORGII III. Quinto.

Governor's Grant.

265



S. 1768



Acts and Laws,

Passed by the Great and General Court or Assembly
of his Majesty's Province of the *Massachusetts-Bay*
in *New-England*: Begun and held at *Boston*, upon
Wednesday the twenty-ninth Day of *May*, 1765.

C H A P. I.

An Act for granting the Sum of *Thirteen Hundred Pounds*, for the Support of His Majesty's Governor.

BE it enacted by the Governor, Council and House of Representatives, That the Sum of *Thirteen Hundred Pounds*, be and hereby is granted unto his most excellent Majesty, to be paid out of the public Treasury, to his Excellency *FRANCIS BERNARD*, Esquire, Captain-General and Governor in Chief in and over his Majesty's Province of the *Massachusetts-Bay*, to enable him to carry on the Affairs of this Government.

Grant of
£ 1300, for
the Support of
his Majesty's
Governor.

Z z z

CHAP.

C H A P. II.

An Act in Addition to an Act, intitled, " An Act for preventing Fraud in Debtors, and for securing the Effects of Insolvent Debtors for the Benefit of their Creditors."

Preamble.

WHEREAS, in and by an Act made and passed in the present Year of his Majesty's Reign, intitled, " An Act for preventing Fraud in Debtors, and for securing the Effects of Insolvent Debtors for the Benefit of their Creditors," it is provided among other Things as follows, viz. " That if any absconding or concealed Debtor, or Debtors, shall at any Time after the Appointment of Trustees, and the Meetings of the Creditors as aforesaid, offer to surrender themselves and disclose and also deliver up their whole Estate, if any shall remain in their Hands ; and the major Part of the Creditors in Number and Value, shall, in order to the Discharge of such Debtor or Debtors, present a Petition to any two of the Justices of the Superior Court of Judicature, Court of Assize, and General Goal Delivery, it shall and may be lawful for such two Justices, if no just Objection be offered, to discharge such Debtor or Debtors accordingly." And whereas absconding or concealed Debtors having surrendered their whole Estates, are rendered incapable during their Confinement, of supporting themselves and Families.

Debtor who shall deliver in a true Account upon Oath shall upon Certificate from the major Part of the Creditors be freed from Arrest.

Be it therefore enacted by the Governor, Council and House of Representatives, That if any absconding Debtor, after the Appointment of Trustees of his or her Estate, pursuant to the Provision made in the aforesaid Act, shall deliver in Writing to the said Trustees an Account of all his or her Creditors, and the Sums respectively due and owing to them, and shall make Oath that such Account, according to the best of his or her Knowledge and Belief, is just and true, and the major Part of such Creditors in Number and Value, shall by Writing under their Hands or the Hands of their Attornies, desire that the Body of such Debtor may be freed from Arrest ; it shall and may be lawful for any one of the Justices of the Superior Court of Judicature, Court of Assize and General Goal Delivery, to certify under his Hand, that the major Part in Number and Value of the Creditors of such Debtor have signified their Consent that he or she be free from Arrest ; and from and after the Date of such Certificate, such Debtor for all Debts contracted before the issuing the Warrant to attach and seize his or her Estate, shall be free from Arrest for and during the Term of Eighteen Months from the first Appointment of Trustees, and also for and during the further Term of Two Months after the Expiration of the said Eighteen Months, that so the major Part of the Creditors whose Claims shall have been allowed may have Opportunity, if they see Cause, of presenting a Petition for the final Discharge of such Debtor, pursuant to the Provision made in the aforesaid Act.

Upon the Death or Removal of any Trustee or Trustees

And be it further enacted, That in Case of the Death or Removal out of the Province of any Trustee or Trustees appointed by virtue of the aforesaid Act, it shall and may be lawful for the Creditors present at any Meeting,

ing duly called, by a major Vote to chuse another Trustee or Trustees in the Creditors his or their Stead. And in Case any Trustee or Trustees appointed as aforesaid, shall desire to be excused from continuing in such Trust, it shall and may be lawful for the major Part of the Creditors present at any Meeting duly called, to chuse, if they see Cause, another Trustee or Trustees in his or their Stead.

And be it further enacted, That the respective Sheriff or Sheriffs to whom any Warrant for attaching, seizing, and securing the Effects of any absconding or concealed Person, shall be directed in Pursuance of the aforesaid Act, be, and hereby are required to make a just and true Inventory of all the Estate and Effects seized and taken, and return the same signed by himself, to the Justice who shall have issued the Warrant as aforesaid.

And be it further enacted, That if any Creditor of any Debtor whose Estate shall by Warrant be hereafter attached, seized and secured, in Pursuance of the aforesaid Act, shall have made any Attachment of the Goods or Estate of such Debtor, or commenced any Process against any Trustee of such Debtor, upon which Attachment or Process Judgment shall not have been recovered before the Date of the said Warrant; such Creditor shall not be admitted to share any Part or Proportion of such Debtor's Estate, with his other Creditors, unless such Creditor shall discontinue such Suits. Suit or Process, or cause or suffer the Judgment which may be recovered thereon, to enure to the common Use and Benefit of the Creditors of such Debtor, any Thing in the aforesaid Act to the contrary notwithstanding.

This Act to continue and be in Force until the Twelfth Day of March, Limitation. One thousand seven hundred and sixty-eight, and no longer.

C H A P. III.

Act for Supplying the Treasury with the Sum of One Hundred and ninety seven Thousand Pounds, to be applied for the Redemption of Government Securities, that will become due in June One Thousand seven Hundred and sixty six.

BE it enacted by the Governor, Council, and House of Representatives, That the Treasurer of the Province be, and he hereby is directed and empowered to borrow of such Person or Persons as shall appear ready to lend the same from Time to Time, as he shall have occasion for the Money, a Sum not exceeding One Hundred and ninety seven Thousand Pounds, in mil'd Dollars at six Shillings each, or in the several Species of coined Silver and Gold enumerated in an Act made and passed in the twenty-third Year of his late Majesty King GEORGE the Second intituled, *An Act for ascertaining the Rates at which coined Silver and Gold English Half Pence and Farthings may pass within the Government*: And the Sum so borrowed shall be applied in Manner as in this Act is hereafter directed; and for the said Sum the Treasurer shall give his Receipt or Obligation in the Form following.

Province

Form of the
Treasurer's
Notes.

Province of the Massachusetts-Bay.

The Day of A. D.

Borrowed and Received of the Sum of for the Use and Service of the Province of the Massachusetts-Bay, and in behalf of said Province, I do promise and oblige myself and Successors in the Office of Treasurer, to repay the said or to his Order, the twentieth Day of June A. D. One Thousand seven Hundred and Sixty seven the aforesaid Sum of in Spanish mill'd Dollars, at six Shillings each, or in the several Species of coined Silver and Gold, enumerated in an Act made and passed in the Twenty-third Year of his late Majesty King GEORGE the Second intituled, An A&t for ascertaining the Rates at which coined Silver and Gold, English half-Pence and Farthings may pass within the Government; and according to the Rates therein mentioned with the Interest anually at five per Cent.

Witness my Hand,

A. B. }
C. D. } Committee.
E. F. }

H. G. Treasurer.

And no Receipt shall be given for less than six Pounds.

Treasurer to
observe the
directions of
the Act of the
2d of his pre-
sent Majesty.

And the Treasurer in issuing said Receipts or Obligations, and the Committee chosen to countersign them shall observe and be governed by the Rules and Directions given them by an Act of this Province, made in the Second Year of his present Majesty's Reign intituled, *An Act to Supply the Treasury with the Sum of twenty five Thousand Pounds.*

Money bor-
rowed to be
applied for the
Redemption
of Govern-
ment Securi-
ties.

And be it further enacted, That the said Sum of *One Hundred and ninety seven Thousand Pounds*, ordered to be borrowed by this Act, when received into the Treasury shall be applied by the Treasurer for the Redemption of Government Securities that will become due in June One Thousand seven Hundred and sixty six.

And in order to draw said Money into the Treasury again, and enable the Treasurer effectually to discharge the Receipts and Obligations, (with the Interest that may be due thereon) by him given in pursuance of this Act.

Tax granted
for the Sum
borrowed, to
be paid into
the Treasury
31st March,
1767.

Be it enacted, That there be, and hereby is granted unto his Most Excellent Majesty, a Tax of *One Hundred and Ninety-seven Thousand Pounds*, to be Levied on Polls and Estates, both Real and Personal, within this Province, according to such Rules, and in such Proportions, on the several Towns and Districts within this Province, as shall be agreed on and ordered by the General Court or Assembly, at their Sessions in May, One Thousand seven Hundred and sixty-six, and to be paid into the Public Treasury on or before the thirty-first Day of March, One Thousand seven Hundred and sixty-seven.

If the Court
shall not ap-
portion the
Tax in May
1766.

And be it further enacted, That if the General Court at their Sessions in May, One Thousand seven Hundred and sixty-six, and some Time before the twentieth Day of June in said Year, shall not agree and conclude upon an A&t apportioning the Sums which by this Act are engaged to

to be paid in said Year, apportioned, assessed and levied ; then and in such Case, each Town and District within this Province, shall pay by a Tax to be Levied on the Polls and Estates, both Real and Personal within their Limits, the same Proportion of the said Sum as the said Towns and Districts were Taxed by the General Court in the Tax-Act then last preceding : And the Province Treasurer is hereby impowered and directed some time in the Month of June, in the same Year One Thousand seven Hundred and sixty-six, to issue and send forth his Warrants, directed to the Assessors or Select-Men of each Town and District within this Province, requiring them to assess the Polls and Estates both Real and Personal within their several Towns and Districts for their respective Parts and Proportions of the Sums before directed and engaged to be assessed, to be paid into the Treasury at or before the aforementioned Time : And the Assessors as also Persons assessed, shall observe, be governed by, and subject to all such Rules and Directions as shall have been given in the then last preceding Tax-Act.

The Tax shall then be apportioned as in the Tax Act preceding.

Province Treasurer to issue his Warrants accordingly.

And as a Fund to enable the Treasurer to discharge the Interest as it Fund for the shall become due on said Receipts or Obligations. Interest.

Be it further enacted, That the Treasurer shall apply what Monies may be necessary for that purpose out of the Surplusage that will be in the Treasury by the Time that the Interest will become due.

C H A P. IV.

An Act for supplying the Treasury with the Sum of Sixteen Thousand and Eight Hundred Pounds.

WHEREAS no Provision is made to defrey the Charges of Government for the present Year : And whereas the Treasurer has represented to this Court, that when the Taxes for the Year One Thousand Seven Hundred and Sixty-four are paid into the Treasury, with the Excise upon Spirituous Liquors, there will be a Surplusage in the Treasury of at least Sixteen Thousand and Eight Hundred Pounds.

Be it enacted by the Governor, Council and House of Representatives, Treasury supplied with £. 16,800 That the Treasurer be, and he hereby is directed to apply the aforesaid Sum of Sixteen Thousand, eight Hundred Pounds to defrey the Charges of Government for the ensuing Year, to be issued in the Manner following ; that is to say, The Sum of Six Thousand Pounds, part of the aforesaid Sum of Sixteen Thousand and eight Hundred Pounds, shall be applied for the Payment of Grants made, or to be made by this Court ; and the further Sum of Three Thousand Pounds, part of the aforesaid Sum of Sixteen Thousand and eight Hundred Pounds, shall be applied for the Payment of his Majesty's Council, and the Members of the House of Representatives serving in the Great and General Court during the several Sessions of the present Year : And the further Sum of One Thousand Pounds, part of the aforesaid Sum of Sixteen Thousand and eight Hundred Pounds, shall be applied for the purchasing Provisions, and the

How appropri-ated.

A a a a

Commissary's

Commissary's Disbursements, for the Service of the several Forts and Garrisons within this Province : And the further Sum of *Two Thousand and five Hundred Pounds*, part of the aforesaid Sum of *Sixteen Thousand and eight Hundred Pounds*, shall be applied for the Discharge of Debts owing from this Province to Persons that have served, and shall serve them by Order of this Court, in such Matters and Things where there is no Establishment, nor any certain Sum assigned them for that Purpose ; and for Paper, Writing and Printing for this Court, and Repairs of the Province-House, Court-House, Light-House, Wood at Castle-William, and Repairs of Fortifications within this Province : And the further Sum of *Three Thousand Pounds*, part of the aforesaid Sum of *Sixteen Thousand and eight Hundred Pounds*, shall be applied for the Payment of the Expences of the several Forts and Garrisons within this Province : And the further Sum of *Twelve Hundred Pounds*, part of the aforesaid Sum of *Sixteen Thousand and eight Hundred Pounds*, shall be applied for the Payment of the Bounty upon Wheat and Flour : And the further Sum of *One Hundred Pounds*, being the remainder of the aforesaid Sum of *Sixteen Thousand and eight Hundred Pounds*, shall be applied to pay such Contingent and unforeseen Charges as may arise, and for no other Purpose whatever.

Treasurer to
pay the Money
out of the Ap-
propriations
directed by
Warrant.

And be it further enacted, That the Treasurer pay the aforesaid Sum of *Sixteen Thousand and eight Hundred Pounds*, out of such Appropriations as shall be directed by Warrant, and no other : And the Secretary to whom it belongs to keep the Muster Rolls and Account of Charge, shall lay before the House of Representatives, when they direct such Muster-Rolls and Accounts of Charge after Payment thereof.

C H A P. V.

An Act to empower the Province Treasurer to draw Bills of Exchange upon Jasper Mauduit, Esq; late Agent of the Province in Great-Britain.

Preamble.

WHEREAS there will remain in the hands of Jasper Mauduit, Esq; the Sum of Eight Thousand three Hundred thirty three Pounds, seventeen Shillings and six Pence, Sterling, after Payment of the Bills for which the Treasurer is by a former Act empowered to draw, being Part of the Sum he received on behalf of this Province out of the Grant made by Parliament, to enable his Majesty to Recompence his Northern Colonies in America, for their Military Services.

Province
Treasurer im-
powered to
draw Bills of
Exchange.

Be it enacted by the Governor, Council, and House of Representatives, That the Province Treasurer be, and he hereby is empowered and directed to draw Bills of Exchange on Jasper Mauduit, Esq; late Agent of this Province for a Sum not exceeding *Eight Thousand and thirty three Pounds seventeen Shillings and six Pence*, and the said Bills shall be drawn on the following Condition, *Viz.* That for every *Hundred Pounds Sterling* for which such Bills shall be drawn, *One Hundred and thirty five*

five Pounds lawful Money of this Province shall be paid into the Province Treasury : That such Bills shall be drawn payable to the Persons purchasing the same or to their Order, at thirty Days sight ; but if the said *Jasper Mauduit*, at the Expiration of thirty Days shall not pay the said Bills, then Interest shall be allowed from the Expiration of said thirty-Days at the Rate of *six per Cent.* per Annum until paid : And such Bills shall not be protested untill twelve Months shall be expired from their respective Dates : And in case of their being returned protested after the Expiration of said twelve Months, the Province Treasurer shall repay the Sums received into the Treasury for such Bills, with the lawful Interest from their respective Dates, but shall not be liable to pay any Loss or Damages on Account of the protesting such Bills ; said Bills to be of the Form following, *Viz.*

Exchange for £. Sterling. (No.) Boston 176

Sir,

At Thirty Days Sight of this my first per Exchange, second, third and fourth of the same Tenor and Date, unpaid, pay unto Form of the Bill.

or Order, Pounds Sterling, for Value received, and charge it to the Province of the Massachusetts-Bay, but if it is not paid at said thirty Days Sight, then pay Interest on that Sum from the Expiration of said thirty Days until paid, at the Rate of six Pounds per Cent. per Annum ; and if this Bill and Interest is not paid in twelve Months from the Date hereof, I hereby oblige my Self and Successors in the Office of Treasurer of the Province of the Massachusetts-Bay, to pay said Bill with Interest from the Date of it at the above Rate until paid, when it shall be returned with a Protest into the Office aforesaid, but no other Charges or Damages. Provided, that if payment shall not be demanded within fifteen Months, after the Date of said Protest, the Interest shall from that Time determine and cease,

H. G. Province Treasurer.

To *Jasper Mauduit, Esq; late Agent for the Province of the Massachusetts-Bay in London.*

CHAP. VI.

An Act for regulating the Grammar School in *Ipswich*, in the County of *Essex*, and for incorporating certain Persons to manage and direct the same.

WHEREAS divers piously disposed Persons in the first Settlement of the Town of *Ipswich*, in the County of *Essex*, granted and conveyed to Feoffees in Trust, and to such their Successors in the same Trust as those Feoffees should appoint, to hold perpetual Succession certain Lands, Tenements and Annuities by them mentioned, for the Use of School Learning in the said Town for ever ; of which Feoffees John Choate, Samuel Rogers, Aaron Potter and Francis Choate, Esqrs. are the only Survivors.

And

And whereas the said Town of Ipswich, did also in their laudable Concern for promsting Learning, about the same Time, and for the same Uses, give and grant to certain Persons in their Grants mentioned, and to such others as the said Town should appoint, a large Farm, then called a Neck of Land, scituare in Chebacco, in the said Ipswich, with some other Lands, the Rents of which to be applied to the Use of Learning in said Town as aforesaid; but (as is apprehended) no Power was given by the said Town to their Trustees to appoint Successors in that Trust, for receiving and applying the Rents, or of ordering and directing the Affairs of the School in said Town, as in the first mentioned Case is provided: From which difference in the original Constitution of those Grants, which were all designed for one and the same Use, Disputes have heretofore arisen between the said Town and the said Feoffees; and also some Doubts have arisen whether by the Constitution of those Grants as aforesaid, it is in the Power, either of the said Town or Feoffees to compel the Payment of the Rents of said Farm, and other Lands granted by said Town, as before mentioned.

And whereas, for the Removal of the aforesaid Difficulties, on the joint Application of both said Town and the then Feoffees, this Court did in the twenty-ninth Year of his late Majesty King GEORGE the Second, by one Act then passed, intitled, An Act for regulating the Grammar-School in Ipswich, and for incorporating certain Persons to manage and direct the same, empower the then surviving Feoffees, with three Successors, together with Part of the Selectmen of said Town, for the Time being, as an incorporate Body, to manage and direct the Affairs of said School for ten Years then next coming, in Manner as in said Act is expressed, which ten Years will expire on the first Day of March next.

And whereas it has been found by Experience, that the said Act has been of great Advantage to the Interest of Learning in said Town, and that all Doubts and Disputes aforesmentioned from the passing of said Act have ceased, and the Parties concerned have desired the Continuance of the Aid of this Court touching the Premisses.

Wherefore,

Feoffees of
Ipswich School
appointed.

Their Power.

Be it enacted by the Governor, Council and House of Representatives, That from and after the first Day of March next, the aforesnamed John Choate, Samuel Rogers, Aaron Potter and Francis Choate, Esqrs. the present surviving Feoffees, on the Part of the private Persons granting Lands as aforesaid, together with Michael Farlow, Samuel Burnam and Samuel Lord the Third, three of the present Selectmen of the said Town of Ipswich shall be, and they are hereby incorporated a joint Committee, or Feoffees in Trust, with full Power and Authority by the whole, or the major Part of them, to pass necessary Leases of any of said Lands, not prejudicial to any Lease already made, and not exceeding the Term of twenty-one Years at any one Time: Also to demand and receive all Rents and Annuities on such other Grants or Leases relative to said School, that now is, or that hereafter may be; and if need be to sue for, and recover the same, either by themselves, or by their Attorney; also to appoint a Clerk and Treasurer; also a Grammar Schoolmaster from Year

to

to Year; and from Time to Time to agree with him and them, for his and their Salaries; and to apply the said Rents, Grants and Annuities for the Payment of his and their Salaries, and for the Discharge of other necessary Expences attending this Affair, so far as those Rents, Grants and Annuities will go; with a like Power from Time to Time to inspect the said School and Master: And in general, to transact and order all Matters and Things relative to said School; and to all the Lands, Grants, Rents and Annuities, that do now, or that may hereafter belong to said School, arising from the Donations aforesaid, so as best to answer the general design and intent thereof; annually laying an Account of their Proceedings in this Trust before the said Town, at their *March* Meeting, for their Inspection.

And for the Continuance of the Succession of the aforesigned Committee, or Feoffees:

Be it further enacted, That if either the said *John Choate, Samuel Rogers, Aaron Potter or Francis Choate* shall decease, or move out of the said Town of *Ipswich*, or otherwise become incapable, or unfit to discharge said Trust, or unreasonably neglect to do it, it shall and may be lawful for the surviving and qualified Remainder of those four Persons, from Time to Time, to appoint some other suitable and qualified Person or Persons, in his or their Room so deceasing, removing, or otherwise unqualified, or neglecting his or their Duty as aforesaid; which Power of Appointment shall descend to those so appointed, so as always to have four of said Feoffees constituted in this Way, and no more: No Person at any Time to be appointed that is not an Inhabitant of the said Town of *Ipswich*. And the Selectmen aforesaid by this Act incorporated as aforesaid, shall from Year to Year be succeeded by the three eldest in that Office of the Selectmen of that Town, other than such of them as be also one of the Feoffees constituted as aforesaid: And in case it shall so happen at any Time that there are not three Selectmen chosen by the said Town who have served in that Office before, then those first named in such Choice shall succeed as aforesaid.

And for rendering the whole more effectual:

Be it further enacted, That the aforesaid Committee, or Feoffees in Trust, may in all Matters relative to said Grammar School, in which they may by force of this Act be concerned, sue or be sued by the Name of Feoffees of the Grammar School in the Town of *Ipswich*, in the County of *Essex*: And in this Power their Successors shall from Time to Time be included with respect to the Transactions of those who may have preceded them in that Trust.

This Act to continue and be in Force for the Term of twenty-one Years, from the first Day of *March* next, and no longer.

C H A P. VII.

An Act to prevent Damage being done in the Woods
in *Plymouth, Sandwich, Barnstable, Falmouth and*
Wareham, by Hunting with Hounds and Dogs.

Preamble.

WHEREAS great Damage has been done by Hunting in the Woods between Plymouth, Sandwich, Barnstable, Falmouth and Wareham, by Hunting with Hounds and Dogs in said Woods in each of the said Towns, and large Numbers of Sheep have been destroyed by said Practice.

No Person to
hunt with
Dogs between
the 10th May
and 5th Dec.
annually.

Be it therefore enacted by the Governor, Council, and House of Representatives, That from and after the tenth Day of *May* Annually, to the fifth Day of *December*, no Person shall be allowed to Hunt with Dogs or Hounds, in either of the Towns of *Plymouth, Sandwich, Barnstable, Falmouth or Wareham*, on any Pretence whatever.

Penalty.

And be it further enacted, That if any Person or Persons shall be Convicted of Hunting with Dogs or Hounds in any of said Towns, between the said tenth Day of *May*, and the fifth Day of *December*, during the continuance of this Act, he shall Forfeit and Pay the Sum of twenty Shillings for each Offence; one Half to the Informer, and the plied and how other Half to the Poor of the Town where the Offence shall be committed; and said Offenders may be complained of and prosecuted before any of his Majesty's Justices of the Peace, within the County of *Plymouth or Barnstable*, or in any other County within this Province.

Inhabitants of
the Towns
mentioned
not to hunt
in other towns

Be it further enacted, That none of the Inhabitants of the Towns of *Plymouth, Sandwich, Barnstable, Falmouth or Wareham*, shall be allowed to Hunt with Hounds or Dogs in any other Towns within this Government, from the said tenth Day of *May*, to the fifth Day of *December*, during the continuance of this Act, under the Penalties before mentioned in this Act: And any Persons belonging to said Towns that shall Hunt in the other Towns contrary to the true Intent of this Act, shall and may be prosecuted in the like Manner as is before provided, that is, before any Justice of the Peace in the County where the Offence is committed, or in any other County within this Province.

Limitation.

This Act to continue and be in Force for the Space of three Years from the first Day of *August* next, and no longer.

C H A P. VIII.

An Act further to explain, amend and carry into Execution an Act made in the first Year of the Reign of his present Majesty intitled "An Act for raising a Sum of Money by Lottery, for Repairing *Faneuil Hall* in *Boston*."

WHEREAS in and by an Act made in the first Year of his present Majesty intitled, "An Act for raising a Sum of Money by Lottery, for Repairing *Faneuil-Hall* in *Boston*, it Preamble, is enacted, "That Samuel Sewall, Samuel Phillips Savage, and Ezekiel Lewis, or any two of them be allowed and impowered to set up and carry on a Lottery or Lotteries." And whereas in and by an Act made in the second Year of the Reign of his present Majesty intitled, "An Act to explain amend and carry into Execution an Act made in the first Year of the Reign of his present Majesty intitled, "An Act for Repairing *Faneuil-Hall* in *Boston*," it is enacted "That Thomas Cushing, Samuel Hewes, John Scollay and Benjamin Austin, Esqrs; be added to the said Samuel Sewall, Samuel Phillips Savage, and Ezekiel Lewis, and that they the said Thomas Cushing, Samuel Hewes, John Scollay, and Benjamin Austin, Esqrs; together with the said Samuel Sewall, Samuel Phillips Savage, and Ezekiel Lewis, be, and they are hereby allowed and impowered to carry into Execution the said Act, in the same Manner, and under the same Regulations and Restrictions as the said Samuel Sewall, Samuel Phillips Savage, and Ezekiel Lewis, were by the said Act allowed and impowered."

And whereas since the making and passing the said Act made in the second Year of the Reign of his present Majesty, the said Samuel Hews, has been taken away by Death and the said John Scollay, Samuel Phillips Savage, and Ezekiel Lewis, have declined any further to Execute their said Trust:

Be it enacted by the Governor, Council, and House of Representatives, That in the Room of the said Samuel Hews, John Scollay, Samuel Phillips Savage, and Ezekiel Lewis, Esqrs; Joseph Jackson, John Riddock, and John Hancock, Esqrs; be added to the said Samuel Sewall, Thomas Cushing, and Benjamin Austin, and that they the said Joseph Jackson, John Riddock, and John Hancock, Esqrs; together with the said Samuel Sewall, Thomas Cushing and Benjamin Austin, Esqrs; or any Three of them be, and they are hereby allowed and impowered to carry into Execution the said Acts in the same Manner, and under the same Regulations and Restrictions, as in and by the said Acts, the said Samuel Sewall, Samuel Phillips Savage, Ezekiel Lewis, Thomas Cushing, Samuel Hews, John Scollay, and Benjamin Austin, were allowed and impowered.

New Managers appointed, of *Faneuil-Hall* Lottery.

C H A P. IX.

An Act for Raising by Lottery, the Sum of *Three Thousand two Hundred Pounds*, for Building another Hall for the Students of *Harvard-College* to dwell in.

Preamble.

WHEREAS the Buildings belonging to *Harvard-College* are greatly insufficient for lodging the Students of the said College, and will become much more so when *Stoughton-Hall* shall be pulled down, as by its present ruinous State it appears it soon must be. And whereas there is no Fund for erecting such Buildings, and considering the great Expence which the General Court has lately been at in building *Hollis-Hall*, and also in Rebuilding *Harvard-College*, it cannot be expected that any further provision for the College should be made out of the Public Treasury; so that no other resort is left but to private Benefactions, which it is conceived, will be best excited by means of a Lottery. Therefore, to prevent the further inconveniences which will arise from the necessary pulling down *Stoughton-Hall*, and to provide for the present want of lodging Rooms in the said College:

Directors of
the College
Lottery ap-
pointed.

for raising
£. 3200

Money how
to be applied.

Governor and
Council to
approve the
Scheme.

Directors to
be underOath

Be it enacted by the Governor, Council, and House of Representatives, That *Thomas Hubbard*, Esq; *Harrison Gray*, Esq; *Thomas Flucker*, Esq; *Edward Holyoke*, Esq; *Joseph Lee*, Esq; *John Winthrop*, Esq; and Mr. *Thomas Gray*, be appointed and impowered Directors to set up and carry on a Lottery or Lotteries in one or more Classes, whereby to raise the Sum of *three Thousand and two Hundred Pounds*, lawful Money, which Sum so to be raised and every Part thereof from Time to Time so raised, after deducting the necessary Expences to be settled and approved of by the Governor and Council, shall be paid unto the Treasurer of the Province, to be subject to the order of the Governor, by and with the Advice and Consent of the Council, for building a new Hall for lodging Rooms as beforementioned for the Use of *Harvard-College* as aforesaid. And the said Directors or any Four of them, shall as soon after the Publication of this Act as conveniently may be, prepare a Scheme and Plan for carrying on the said Lottery or Lotteries, and lay the same before the Governor and Council for their Approbation; which Scheme and Plan with such Alterations and Additions thereto as shall be thought adviseable from Time to Time, being approved of by the Governor and Council, shall be the Rules for the said Directors proceeding in the carrying on the said Lottery or Lotteries, and raising the said Sum of *three Thousand and two Hundred Pounds* as aforesaid. And the said Directors and each of them before they or he shall undertake the Execution of this Act, shall take an Oath for the faithful Execution of the Trust reposed in them, before one of his Majesty's Council or a Justice of the Peace, the Administration of which Oath shall be certified unto the Governor and Council, and the Accounts of the said Directors and each of them shall be audited and finally settled by the Governor and Council, and there shall remain upon Record. And if there shall be any Disputes concerning the right of or to any benefit

Ticket

Ticket or Tickets, the same shall be heard and determined by the Directors or any Four of them; and if either of the Parties shall be dissatisfied with such Determination, they shall be at liberty to appeal to the Governor and Council, who shall hear and finally determine the same. And if any Prize which shall be drawn in the said Lottery or Lotteries shall not be claimed within one Year after the list of Prizes shall be Published in some or one of the *Boston* News-Papers, the same shall be considered as generously given to the Uses aforesaid, and shall be paid unto the said Treasurer, and applied accordingly. And if there shall remain any overplus of the said Money remaining, after the said new Hall shall be built and compleatly finished, the same shall be applied for the benefit of the College, to such Uses as the Governor with the Advice and Consent of the Council shall order and direct.

Prizes not claimed in one Year, to be considered as given to the College.

Overplus, if any, to be applied for the benefit of the College.

And be it enacted, That if any Person or Persons shall forge or alter, or knowingly publish any forged or altered Ticket or Tickets, with intent to defraud, and shall be convicted thereof in the Superior Court of Judicature, Court of Assize and General Goal Delivery, such Person or Persons shall be punished by Fine, Imprisonment, setting in the Pillory, and Whipping, or any of them, according to the discretion of the Court, and the nature of the Offence.

C H A P. X.

An Act for the Preservation of the Beach and Harbour in the Town of Plymouth.

WHEREAS great Damage is done on the Beach in the Town of Plymouth, by cutting and carrying off the Wood and Brush that grows on some Part of it, and the Harbour is greatly endangered thereby.

Be it enacted by the Governor, Council, and House of Representatives, No Person to cut Wood or Brushgrowing on Plymouth Beach. but under certain Restrictions.
That no Person on any Pretence whatever, be allowed to cut and carry off any of the Wood or Brush that grows on said Beach, saving what may be cut by Order of the Selectmen, and used for the securing and preserving said Beach and Harbour: And if any Person shall cut and carry off any Wood, Poles, Brush or Trees standing and growing on said Beach, he shall Forfeit and Pay for each Offence the Sum of twenty Shillings Penalty. for each Tree, Pole, or quantity of Brush cut and carried off; to be recovered by Action or Information before any Justice of the Peace in the County of Plymouth; one Half of the said Forfeiture to him or them that shall inform and sue for the same, and the other Half to the Use of the Poor of the Town of Plymouth.

This Act to continue and be in Force for the Space of three Years Limitation. from the tenth Day of July next, and no longer.

C H A P. XI.

An Act for the Preservation and Increase of Moose and Deer, on Tarpolin-Cove Island, and Nennemesset-Island, lying and being in the County of Dukes-County.

Preamble.

WHEREAS James Bowdoin and William Bowdoin, Esqrs; by their Petition to this Court, have represented that they have been long endeavouring to raise a Stock of Deer on Tarpolin Cove Island, otherwise called Nausham, or Catamock, and on the Island Nennemesset, and several small Islands contiguous, (said Islands being in the Town of Chilmark, in the County of Dukes County) but have been in a great Measure prevented by Hunters and others coming on said Islands to hunt and kill Deer, to the great Damage of the said Petitioners, not only in the loss of Deer, but of other live Stock, which has been clandestinely taken away by said Hunters, or destroyed by their Dogs. And whereas the raising and increase of Moose and Deer on said Islands, may be of great Advantage, not only to the said Petitioners and their Successors, but also to the Publick.

No Person, but such as are Proprietors or have licence to hunt wound or kill Moose or Deer on the Islands mentioned.

Penalty.

Be it enacted by the Governor, Council, and House of Representatives, That each and every Person (except the said Petitioners, or such as shall be Proprietors of said Islands, or such as shall have special Licence from them) who shall after the twentieth Day of July in this present Year, One Thousand seven Hundred and sixty-five, hunt, wound, kill or take away any Moose or Deer upon either of the Islands aforesaid, or be concerned or assisting therein and be thereof convicted, either by his own Confession, or by the Oath of one Witness, shall for each and every Time he shall so hunt, or for each and every Moose or Deer he shall so wound, kill, or take away, pay a fine of six Pounds, and Costs of Prosecution; one Moiety of said Fine to be to his Majesty for the Use of this Province, and the other Moiety thereof to him or them that shall inform against, and prosecute the Offender to effect. Such Prosecution to be commenced within two Years after the Offence done.

Offenders deemed Trespassers, and may be sued accordingly.

but subject to only one Action or Prosecution.

And be it further enacted, That every Person killing or taking away, or assisting in killing or taking away any Moose or Deer, on either of the Islands aforesaid, shall be and hereby is deemed a Trespasser, and is hereby subjected to the Action of such as are, or shall be the Proprietor or Proprietors of all, or any of said Islands, or to the Action of any or either such Proprietors for the Recovery of six Pounds, for each and every Moose or Deer so killed or taken away; if such Proprietor or Proprietors shall choose rather to bring an Action of Trespass against such Offender, than a Prosecution. Provided, That such Trespasser shall not for one and the same Offence, be subjected both to an Action and a Prosecution; and if both shall be brought against the same Offender for the same Offence, the Proprietors shall be obliged to make their Option, which they will continue, and shall discontinue the other.

And

And be it further enacted, That if the Flesh, Skin or Skins of any Moose or Deer newly killed, be at any Time after the twentieth Day of July aforesaid, found with, or in the Possession of any Person or Persons whatsoever, (except as before excepted) on either of the Islands aforesaid, it shall be deemed sufficient Proof of such Person or Persons having killed Moose or Deer contrary to this Act, unless such Person or Persons shall prove by Evidence, that such Moose or Deer were not killed on either of the said Islands, or killed thereon by Persons authorized to kill the same.

The Flesh & Skins deemed to be Evidence unless Proof be made, that that they were not killed contrary to Law.

And be it further enacted, That it shall be, and hereby is declared to be lawful for any Person or Persons, to kill any Dog or Hound, that may at any Time be brought or found on any of the Islands aforesaid, not belonging to the said Islands, or some of the Inhabitants of the same.

Dogs found on the Islands, not belonging there.

This Act to continue and be in Force for five Years from the twentieth Day of July, One Thousand seven Hundred and sixty-five, and no longer.

C H A P. XII.

An Act to establish and confirm the Records of the Proprietors of Athol.

WHEREAS in the beginning of the first Settlement of a Tract of Land at a Place called and known by the Name of Pequoig, now Preamble. Athol, in the County of Worcester, and for many Years after, Joseph Lord, Esq; was their Proprietors Clerk, who removing out of this Province carried the Records of the said Proprietary with him, which cannot be obtained; since which the said Proprietors from Original Papers have made and agreed upon a new Book of Records, which with the Records of the Transactions of some Meetings of said Proprietors now in the Hands of the Reverend Mr. Abraham Hill, their late Clerk, will make a compleat Book of Records to this Time: And the said Proprietors having made Application to this Court, that the same may be confirmed. Wherefore,

Be it enacted, by the Governor, Council, and House of Representatives, That the Reverend Mr. Abraham Hill, late the Proprietor's Clerk of the Town of Athol, in the County of Worcester, be and hereby is directed and required to deliver the Records of the Transactions of the several Meetings of the said Proprietors of Athol now in his Hands, to Nathan Goddard their present Clerk, which with the Book of Records voted and agreed upon by the said Proprietors at their Meeting on the third Day of May, One Thousand, seven Hundred and sixty-three, now in the said Goddard's hands, are hereby established and confirmed, as the Records of said Proprietors to all intents and purposes whatsoever, so as to bind the said Proprietors and no others.

The Records of the Proprietors of Athol established.

CHAP. XIII.

An Act empowering Peter Hallet to make and execute a Deed of Exchange with Stephen Hallet, of certain Lands lying in Yarmouth, in the County of Barnstable.

Preamble.

WHEREAS it appears to this Court that John Hallet, late of Yarmouth, in the County of Barnstable, deceased, in his Life Time, and Stephen Hallet of the same Town, did agree to Exchange some Lands with each other, as follows: The said Stephen agreed that the said John by way of Exchange should have of said Stephen's Land, a certain piece of Wood Land, containing about eight Acres adjoining to said John's Farm in Yarmouth aforesaid; and the said John agreed that the said Stephen by way of Exchange for the eight Acres aforesaid, should have of the said John's Land, one quarter Part of a small Cedar Swamp, lying in Yarmouth aforesaid; and immediately upon this Agreement, which was made in the Year One Thousand seven Hundred and fifty-seven, the said Stephen and John took Possession of the Lands by them Exchanged; but so it happened that the said John died before any Deeds of Exchange were made between them; and Application being made by the said Stephen, and Peter Hallet, Executors of the last Will and Testament of the said John, to this Court, that the said Peter may be enabled and impowered in his said Capacity to make and Execute a good Deed of Exchange with the said Stephen of the Land beforementioned. Wherefore,

Peter Hallet
impowered as
Executor of
the last Will
of John Hallet
to execute a
Deed of Ex-
change with
Stephen Hallet.

Be it enacted by the Governor, Council, and House of Representatives, That Peter Hallet, one of the Executors of the last Will and Testament of John Hallet, late of Yarmouth in the County of Barnstable, deceased, be, and he is hereby fully authorized and impowered to make and Execute a good Deed of Exchange of one quarter Part of a small Cedar Swamp, lying and being in Yarmouth aforesaid, belonging to his Testator John Hallet, deceased, with Stephen Hallet of the same Town, for eight Acres of Wood Land, adjoining to the said John's Farm lying in Yarmouth aforesaid, belonging to said Stephen; and the said eight Acres upon passing the said Deeds of Exchange, shall be accounted as Part and Parcell of the Real Estate of the said John deceased; and shall be divided among his Legatees according to his last Will and Testament; and the said Cedar Swamp shall be, and belong to Stephen Hallet, his Heirs and Assigns.

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